

1 **P O R T E R | S C O T T**

2 A PROFESSIONAL CORPORATION

3 John R. Whitefleet, SBN 213301

4 jwhitefleet@porterscott.com

5 350 University Ave., Suite 200

6 Sacramento, California 95825

7 TEL: 916.929.1481

8 FAX: 916.927.3706

9 Attorney for Defendants COUNTY OF SAN JOAQUIN;PATRICK WITHROW; PAULA ALEYDA
10 ARAGON DE GONZALEZS, LVN; MARY M. CENDANA, RN

11 **Sanjay S. Schmidt (SBN 247475)**

12 **LAW OFFICE OF SANJAY S. SCHMIDT**

13 1388 Sutter Street, Suite 810

14 San Francisco, CA 94109

15 T: (415) 563-8583

16 F: (415) 223-9717

17 e-mail: ss@sanjayschmidtlaw.com

18 **T. Kennedy Helm, IV (SBN 282319)**

19 **HELM LAW OFFICE, PC**

20 644 40th Street, Suite 305

21 Oakland, California 94609

22 T: (510) 350-7517

23 F: (510) 350-7359

24 email: kennedy@helmlawoffice.com

25 Attorneys for Plaintiffs M.P., a minor, and ROY MCCOLLUM

26 **UNITED STATES DISTRICT COURT**
27 **EASTERN DISTRICT OF CALIFORNIA**

28 M.P., a minor, by and through his guardian
ad litem, Roy McCollum, individually and as
successor in interest to Decedent
BRITTANY CAITLIN McCULLUM; and
ROY McCOLLUM, individually,

CASE NO. 2:23-cv-00245-KJM-AC

Plaintiffs,
v.
Complaint Filed: 02/08/2023

**SECOND STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
COMPLAINT**

COUNTY OF SAN JOAQUIN, a public
entity; San Joaquin County Sheriff
PATRICK WITHROW; San Joaquin County
Employees PAULA ALEYDA ARAGON

1 DE GONZALEZ, LVN; MARY M.
2 CENDANA, RN; and County of San Joaquin
3 DOES 1-50, jointly and severally,

4 Defendants.

5 /

6 Plaintiffs M.P., a minor, by and through his guardian ad litem, Roy McCollum, individually and
7 as successor in interest to Decedent BRITTANY CAITLIN McCULLUM; and ROY McCOLLUM,
8 individually, by and through their counsel of record; hereby STIPULATE and AGREE that Defendants
9 COUNTY OF SAN JOAQUIN, PATRICK WITHROW, PAULA ALEYDA ARAGON DE
10 GONZALES, LVN and MARY M. CENDANA, RN (County Defendants) may have a further extension
11 until July 31, 2023 to file a responsive pleading to Plaintiffs' Complaint, to allow counsel for
12 Defendants and Plaintiffs to further meet and confer regarding the Complaint, in an effort to avoid
13 motion practice. The Parties previously stipulated, and the Court entered, an Order allowing Defendants
14 a 28-day extension, until June 19, 2023, to respond to the Complaint. ECF No. 16. The Parties need
15 additional time to meet and confer regarding possible amendment of the Complaint after receiving
16 informal discovery, all in an effort to avoid motion practice.

17 The Parties further agree that, if County Defendants elect to file any responsive pleading other
18 than an answer, the following briefing schedule will apply: Plaintiffs shall have the same amount of time
19 as the County Defendants' extension within which to file their Opposition to any motion, i.e., 91 days
20 (21 days from the May 1, 2023 date of service of the Complaint, plus the initial 28-day extension and
21 the further 42-day extension). The Parties further agree that the County Defendants' Reply to Plaintiffs'
22 Opposition shall be due seven days after the filing of Plaintiffs' Opposition. This stipulated briefing
23 schedule will override the otherwise applicable briefing schedule under the Eastern District of California
24 Civil Local Rules.

25 **IT IS SO STIPULATED.**

26 Dated: June 13, 2023 Respectfully submitted,

27 PORTER SCOTT
A PROFESSIONAL CORPORATION

28 /s/ John R. Whitefleet (as authorized on 06/13/23)
By: John R. Whitefleet
Attorneys for Defendants

1 Dated: June 13, 2023

LAW OFFICE OF SANJAY S. SCHMIDT
-and-
HELM LAW OFFICE, PC

4 /s/ T. Kennedy Helm, IV
5 By: T. Kennedy Helm, IV
6 Sanjay S. Schmidt
7 Attorneys for Plaintiffs

ORDER

8 GOOD CAUSE APPEARING THEREFOR, and the Parties having stipulated to the same, the
9 Parties' stipulation is hereby APPROVED IN PART.

10 **IT IS HEREBY ORDERED** that Defendants COUNTY OF SAN JOAQUIN, PATRICK
11 WITHROW, PAULA ALEYDA ARAGON DE GONZALES, LVN and MARY M. CENDANA, RN
12 (County Defendants) shall file their response to Plaintiffs' Complaint by July 31, 2023.

13 **IT IS FURTHER ORDERED** that if County Defendants elect to file any responsive pleading
14 other than an answer, the following briefing schedule will apply: Plaintiffs shall have **thirty days** from
15 the filed date of this order to file their Opposition to any motion,. The County Defendants' Reply to
16 Plaintiffs' Opposition shall be due **seven days** after the filing of Plaintiffs' Opposition.

17 **IT IS SO ORDERED.**

18 DATED: June 22, 2023.

19
20
21 
22 CHIEF UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28